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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	12
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Application Number	10/828,594
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Filing Date	April 21, 2004
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First Named Inventor	Luxem, et al.
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Group Art Unit	To be Assigned
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Examiner Name	To be Assigned
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Attorney Docket Number	1895-14998US02
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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) (sheets)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> PTO 1449/08A with 39 references	<input type="checkbox"/> CD Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	Also attached: copy of each foreign reference cited in IDS; concise explanation of each non-English foreign reference.

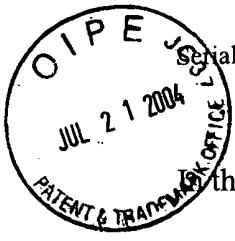
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	McAndrews Held & Malloy, Ltd.		
Name (Print/type)	Christopher M. Scharff	Registration No. (Attorney/Agent)	53,556
Signature	<i>Christopher M. Scharff</i>		Date: July 21, 2004

EXPRESS MAIL DEPOSIT

"Express Mail" mailing label number : EV 435260449 US

Date of Deposit July 21, 2004.



Serial No. 10/828,594

Attorney Docket No. 14998US02

UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of:

Luxem, et al.

Serial No. **10/828,594**

Filed: **April 21, 2004**

For: **METHOD OF MAKING
ALKYL ESTERS**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 21, 2004.

By: Christopher Scharff

Christopher M. Scharff
Reg. No. 53,556

Express Mail No.: EV 435260449 US

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.97-1.98 and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, it is respectfully requested that the following references be considered in the examination of the above-identified patent application:

<u>U.S. PATENT NO.</u>	<u>DATE</u>	<u>INVENTOR(S)</u>
6,174,501	01-16-2001	Noureddini
5,527,449	06-18-1996	Brown, et al.
6,015,440	01-18-2000	Noureddini
5,713,965	02-03-1998	Foglia, et al.
5,578,090	11-26-1996	Bradin
5,520,708	05-28-1996	Johnson, et al.
5,525,126	06-11-1996	Basu, et al.
5,891,203	04-06-1999	Ball, et al.
5,424,467	06-13-1995	Bam, et al.
6,248,230	06-19-2001	Min, et al.
5,599,358	02-04-1997	Giavazzi, et al.
6,080,211	06-27-2000	Mathur

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6,080,211	06-27-2000	Mathur

5,308,365	05-03-1994	Kesling, Jr., et al.
6,001,141	12-14-1999	Quigley
6,086,645	07-11-2000	Quigley, et al.
5,389,113	02-14-1995	Demmering, et al.

<u>FOREIGN REFERENCE</u>	<u>DATE</u>	<u>APPLICANT(S)</u>
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WO 0005327 A1	02-03-2000	Lockheed Martin Idaho Tech. Co.
WO 9926913 A1	06-03-1999	Energea Handels GmbH
WO 9514520 A1	06-01-1995	Buettgen, et al.
WO 9520637 A3	08-03-1995	Meg. S.N.C. Di Scopelliti Sofia
WO 9520637 A2	08-03-1995	Meg S.N.C. Di Scopelliti Sofia
EP 773278 A1	05-14-1995	Ethyl Petroleum Additives Ltd.
EP 773279 A1	05-14-1995	Ethyl Petroleum Additives Ltd.
WO 0012743 A1	03-09-2000	Hideki, et al.
EP 936265 A1	08-18-1999	Ethyl Corp.
EP 775185 B1	05-28-1997	Topsoe Haldor As (DK); Amoco Corp. (US)
WO 9605274 A1	02-22-1996	Amoco Corp. (US); Topsoe Haldor AS (DK)
EP 635558 B1	01-25-1995	EURON SPA
WO 0144413 A2	06-21-2001	Alan, Rae (GB); AAE Techs. Intern., Ltd. (IE)
WO 0160954 A1	08-23-2001	Breugel, et. al.
EP 1032620 A1	09-06-2000	Rohmax Additives GMBH
WO 9927037 A1	06-03-1999	Rohmax Additives GMBH
EP 730485 A1	09-11-1996	Henkel KGAA
EP 1034160 A1	09-13-2000	Energea Umwelt Technologie GMBH
JP 11256180 A2	09-21-1999	Ethyl Corp.
JP 2000270886 A2	10-03-2000	Nagase & Co. Ltd.
WO 9409146 A1	04-28-1994	Instituut Voor Argo Technologi
EP 667913 A1	08-23-1995	Inst Voor Agrotech Onderzoek
WO 0162876 A1	08-30-2001	Alan, Rae (GB); AAE Techs. Intern., Ltd. (IE)

Serial No. 10/828,594

Attorney Docket No. 14998US02

The above-identified references are also listed on the attached PTO Form 1449. A concise explanation of each non-English foreign reference under 37 C.F.R. 1.98(3)(i) is included as Attachment A.

This submission is not intended as an admission that the above-cited references constitute prior art. Applicants expressly retain the right to take any actions necessary to remove the above-cited references from the available prior art. Consideration of the above-identified references in the examination of the present patent application is respectfully requested.

Applicants believe that no fee is due under 37 C.F.R. 1.97(b)(1), however, the Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Account No. 13-0017.

Respectfully submitted,



Christopher M. Scharff
Reg. No. 53,556
McAndrews, Held & Malloy, Ltd.
Attorney for Applicants

July 21, 2004

Attachment A: Concise Explanation of Each Non-English Foreign Reference Cited**WO 0012743 A1 (Abstract)**

A process for efficiently producing a fatty acid ester at a low cost in a system which is completely or almost completely free from any solvent. In the above process, a linear lower alcohol is reacted with lipase and a fat/oil while controlling the concentration of the linear alcohol to a level not exceeding the lipase inhibitory concentration of the linear lower alcohol, or a fatty acid ester is added to the reaction system and lipase and a fat/oil are reacted with a linear lower alcohol. By using a natural fat/oil (a vegetable fat/oil, an animal fat/oil, etc.) or a waste fat/oil thereof as the above-described fat/oil, the waste fat/oil to be discharged into the environment can be recycled and, at the same time, a bio-diesel fuel with little environmental pollution can be provided.

WO 99/26913 A1 (Abstract)

The present invention relates to a method and an equipment for producing fatty acid methyl ester, more particularly diesel fuel for vehicles, wherein said method allows for a rational production in economical equipment, preferably in large-scale industrial equipment. A container (1) contains saturated and unsaturated higher fatty substances from vegetal and/or animal origin. A tank (2) is provided for a potent alkaline solution, particularly a potassium solution, while another tank (3) is provided for the alcohol, particularly for methanol. The alkaline solution is dissolved in the alcohol and this operation is carried out in a mixing vessel (4). The container (1) containing the fatty substances and the mixing vessel (4) are connected at the transesterification section (8). The reaction or transesterification section (8) comprises a static mixer (12) that creates a whirlpool in the liquid due to the action of high or powerful turbulence. The phase separation surfaces are thus substantially increased so that chemical balance can be achieved more rapidly. The liquid which is at the chemical balance state is then supplied to a distillation unit (15). The target substances, such as the fatty acid methyl ester, are correspondingly removed from the stages (18) of the distillation unit (15). This invention enables for the first time the production of diesel fuel such as eco-diesel or bio-diesel in ecologically optimal conditions of production while maintaining all the advantages thereof.

EP 1032620 A1 (Abstract of Corresponding U.S. Pat. No. 6,409,778)

The invention relates to a copolymer consisting of the following monomer components: a) 48-98 wt. % of compounds of formula (I), b) 2-30 wt. % of one or several oxygen-containing methacrylates of formula (II) and c) 0-30 wt. % of a methacrylate of formula (III) of styrol, the quantities a)-c) totalling 100 wt. %. The inventive copolymer is suitable as a an additive for diesel fuels and biodiesel.

WO 9927037 A1 (Abstract of Corresponding U.S. Pat. No. 6,409,778)

The invention relates to a copolymer consisting of the following monomer components: a) 48-98 wt. % of compounds of formula (I), b) 2-30 wt. % of one or several

oxygen-containing methacrylates of formula (II) and c) 0-30 wt. % of a methacrylate of formula (III) of styrol, the quantities a)-c) totalling 100 wt. %. The inventive copolymer is suitable as a an additive for diesel fuels and biodiesel.

EP 730485 A1 (Abstract of Corresponding U.S. Pat. No. 5,858,169)

A process for separating a multi-component mixture containing solid or liquid organic components by treating the mixture with a gaseous entraining agent comprising a superheated carrier fluid containing a lower monohydric alcohol or a lower monohydric alcohol and water to cause constituents of the multi-component mixture to become entrained in the gaseous entraining agent, and separating the gaseous entraining agent containing constituents of the multi-component mixture from the multi-component mixture.

EP 1034160 A1 (Abstract of Corresponding U.S. Pat. No. 6,440,057)

Method for producing fatty acid methyl ester, including compounding saturated and unsaturated higher fatty substances from at least one of vegetable and animal with an alkaline solution dissolved in alcohol to form a mixture. The method also includes emulsifying the mixture to reach a chemical balance state in a reaction section, wherein fats are transesterified into fatty acid methyl ester, wherein border surfaces of the mixture are enlarged by dynamic turbulence in the reaction section and the transesterification is performed under pressure, and wherein the pressure is reduced during transesterification. The method further includes after reaching a chemical balance state, separating residues from the fatty acid methyl ester in a phase separation section. Apparatus for producing fatty acid methyl ester.

JP 11256180 (Abstract)

PROBLEM TO BE SOLVED: To obtain a fuel-lubricating additive composition, capable of avoiding failure of a fuel-pouring pump by improving lubricity of a low sulfur fuel, and useful for reduction of the abrasion of an engine driven by a low-sulfur fuel by using a diethanolamine derivative and a biodiesel fuel.
SOLUTION: This fuel-lubricating additive composition comprises a blend of (A) a biodiesel fuel [e.g. a lower alkyl (preferably methyl) ester of a mixture of an 12-22C (un)saturated linear fatty acids derived from a seed containing a vegetable oil, concretely a methyl ester of a soybean oil or the like], with (B) a diethanolamine derivative (e.g. a fatty acid amide or a fatty acid ester of diethanolamine and a mixture thereof). The composition is used in a concentration of 10-10,000 ppm expressed in terms of weight/volume in a fuel.

JP 2000270886 (Abstract)

PROBLEM TO BE SOLVED: To quantitatively carry out a transesterification reaction useful for producing a fatty acid ester etc., without using a solvent by transesterifying an ester with an alcohol by using an esterase in an aqueous system.
SOLUTION: An ester (e.g. oils and fats, etc.), is transesterified with an alcohol in an aqueous system containing 1-20 wt.% of water in the reaction system by using an

esterase (e.g. lipase) so as to carry out the transesterification between the ester and the alcohol by a method for producing an automobile fuel (biodiesel fuel) from naturally occurring oils and fats of animal and plant and microorganism, especially waste oil instead of fossil fuel from the viewpoint of environment problem. Conventionally in a transesterification reaction, the reaction is carried out by eliminating water as much as possible but it is found that a transesterification reaction is performed even in a system sufficiently containing water and yet approximately quantitatively.



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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/828,594
Filing Date	April 21, 2004
First Named Inventor	Luxem, et al.
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	1895-14998US02

U.S. PATENT DOCUMENTS

Examiner Initial*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	6,174,501	01-16-2001	Noureddini	pp. 1-20
	A2	5,527,449	06-18-1996	Brown, et al.	pp. 1-9
	A3	6,015,440	01-18-2000	Noureddini	pp. 1-10
	A4	5,713,965	02-03-1998	Foglia, et al.	pp. 1-8
	A5	5,578,090	11-26-1996	Bradin	pp. 1-6
	A6	5,520,708	05-28-1996	Johnson, et al.	pp. 1-6
	A7	5,525,126	06-11-1996	Basu, et al.	pp. 1-8
	A8	5,891,203	04-06-1999	Ball, et al.	pp. 1-5
	A9	5,424,467	06-13-1995	Bam, et al.	pp. 1-23
	A10	6,248,230	06-19-2001	Min, et al.	pp. 1-18
	A11	5,599,358	02-04-1997	Giavazzi, et al.	pp. 1-5
	A12	6,080,211	06-27-2000	Mathur	pp. 1-8

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	A13	WO 0005327 A1	02-03-2000	Lockheed Martin Idaho Tech. Co.	pp. 1-16	
	A14	WO 9926913 A1	06-03-1999	Energea Handels Gmbh	pp. 1-34	
	A15	WO 9514520 A1	06-01-1995	Buettgen, et al.	pp. 1-44	
	A16	WO 9520637 A3	08-03-1995	Meg. S.N.C. Di Scopelliti Sofia	pp. 1-16	
	A17	WO 9520637 A2	08-03-1995	Meg. S.N.C. Di Scopelliti Sofia	pp. 1-56	

OTHER ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	A18	
	A19	
	A20	

EXAMINER SIGNATURE		DATE CONSIDERED	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary))				Complete if Known	
Sheet	2	Of	5	Application Number	10/828,594
				Filing Date	April 21, 2004
				First Named Inventor	Luxem, et al.
				Group Art Unit	To Be Assigned
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		Number-Kind Code ² (if known)			
	A21	5,308,365	05-03-1994	Kesling, Jr., et al.	pp. 1-5
	A22	6,001,141	12-14-1999	Quigley	pp. 1-7
	A23	6,086,645	07-11-2000	Quigley, et al.	pp. 1-7
	A24	5,389,113	02-14-1995	Demmering, et al.	pp. 1-4
	A25				
	A26				
	A27				
	A28				
	A29				
	A30				
	A31				
	A32				

FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	A33	EP 773278 A1	05-14-1995	Ethyl Petroleum Additives Ltd.	pp. 1-10	
	A34	EP 773279 A1	05-14-1995	Ethyl Petroleum Additives Ltd.	pp. 1-9	
	A35	WO 0012743 A1	03-09-2000	Hideki, et al.	pp. 1-29	
	A36	EP 936265 A1	08-18-1999	Ethyl Corp.	pp. 1-9	
	A37	EP 775185 B1	05-28-1997	Topsoe Haldor As (DK); Amoco Corp. (US)	pp. 1-13	

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	A38	
	A39	
	A40	
	A41	
	A42	

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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Sheet	3	Of	5	Application Number	10/828,594
				Filing Date	April 21, 2004
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	A43				
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	A52				
	A53				
	A54				

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY		T ⁶
	A55	WO 9605274 A1	02-22-1996	Amoco Corp. (US); Topsoe Haldor AS (DK)	pp. 1 -13
	A56	EP 635558 B1	01-25-1995	EURON SPA	pp. 1-8
	A57	WO 0144413 A2	06-21-2001	Alan, Rae (GB); AAE Techs. Intern., Ltd. (IE)	pp. 1-15
	A58	WO 0160954 A1	08-23-2001	Breugel, et. al.	pp. 1-13
	A59	EP 1032620 A1	09-06-2000	Rohmax Additives GMBH	pp. 1-30

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	A61				
	A62				

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Sheet	4	Of	5		

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	A63				
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	A74				

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	A75	WO 9927037 A1	06-03-1999	Rohmax Additives GMBH	pp. 1-30
	A76	EP 730485 A1	09-11-1996	Henkel KGAA	pp. 1-44
	A77	EP 1034160 A1	09-13-2000	Energea Umwelt Technologie GMBH	pp. 1-34
	A78	JP 11256180 A2	09-21-1999	Ethyl Corp.	
	A79	JP 2000270886 A2	10-03-2000	Nagase & Co. Ltd.	

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	A80				
	A81				
	A82				
	A83				
	A84				

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Sheet	5	Of	5	Application Number	10/828,594
				Filing Date	April 21, 2004
				First Named Inventor	Luxem, et al.
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	1895-14998US02

U.S. PATENT DOCUMENTS					
Examiner Initial*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
A85					
A86					
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FOREIGN PATENT DOCUMENTS					
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A97		WO 9409146 A1	04-28-1994	Instituut Voor Argo Technologi	pp. 1-18
A98		EP 667913 A1	08-23-1995	Inst Voor Agrotech Onderzoek	pp. 1-18
A99		WO 0162876 A1	08-30-2001	Alan, Rae (GB); AAE Techs. Intern., Ltd. (IE)	pp. 1-14

OTHER ART -- NON PATENT LITERATURE DOCUMENTS		
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